

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of South Dakota

Smithfield Packaged Meats Corp.

Plaintiff

v.

United States of America Department of Labor,
Occupational Safety and Health Administration*Defendant*

Civil Action No. 4:20-mc-000018-KES

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Kim Malsam-Rysdon c/o Justin L. Williams, Secretary of Health, South Dakota Department of Health
600 East Capitol Avenue, Pierre, South Dakota 57501

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: All information, documents, and other materials produced by the South Dakota Department of Health in response to the Occupational Safety and Health Administration Subpoena, dated June 19, 2020, seeking items regarding Smithfield Packaged Meats Corp.

Place: Lisa K. Marso, Esq., Boyce Law Firm, LLP, 300 S. Main Ave., Sioux Falls, SD 57117; In lieu of production in hard copy, the production can be made electronically to lkmarso@boycelaw.com, acunningham@huntonak.com, swiltsie@huntonak.com.

Date and Time:

07/08/2020 12:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/06/2020

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

[Signature] for Lisa Marso
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Smithfield Packaged Meats Corp., who issues or requests this subpoena, are:

Lisa K. Marso, Esq., Boyce Law Firm, LLP, 300 S. Main Ave., Sioux Falls, SD 57117; lkmarso@boycelaw.com;

Notice to the person who issues or requests this subpoena

(605) 336-2424

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any)

Kim Malsam - Rydon

on (date)

July 7, 2020.

☒ I served the subpoena by delivering a copy to the named person as follows:By substitute
serving on Karen Bierman as an authorized Secretary to
accept service for Kim Malsam-Rydon on (date) July 7, 2020 ; or☐ I returned the subpoena unexecuted because:Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$

My fees are \$ for travel and \$ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date:

July 7, 2020

Ed L. Assman

Server's signature

Ed L. Assman

Private Investigator
Printed name and title + Process Server

1161 Dey Run Rd. Pierre, S. Dakota 57501

Server's address

Additional information regarding attempted service, etc.: